IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Crl.MC.No. 3285 of 2007()

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CMP.4168/2007 of JUDL.MAGISTRATE OF FIRST CLASS, PARAVUR

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PETITIONER:

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RAMLA, W/O. SHANAWAS,
THOPPIL HOUSE, CHITTATTUKARA, MANNAM P.O.,
NORTH PARAVUR.

BY ADV. SMT.K.V.RESHMI

RESPONDENTS:

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1. S.I. OF POLICE,
NORTH PARAVUR POLICE STATION.

2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

3. THE DISTRICT COLLECTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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Crl.M.C.No.3285 of 2007

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Dated this the 1st day of November 2007

**O R D E R**

The grievance of the petitioner is that Annexure 3 order has been passed by the learned Judicial First Class Magistrate Court, North Paravur without proper application of mind. That was an application for release of the vehicle. The learned Magistrate has directed that the petitioner can approach the District Collector.

2. According to the petitioner, the District Collector has already passed orders (copy of which is produced as Annexure 1) for release of the vehicle. In these circumstances, the direction to approach the District Collector again is without any basis.

3. This petition is accordingly allowed. The impugned order (a copy of which is produced as Annexure 3) is set aside. The learned Magistrate shall now pass fresh orders on the application for the release of the vehicle taking note of Annexure 1 order dated 30/8/2007 which shows that the petitioner has already remitted the amount imposed by the District Collector.

4. This petition is allowed to the above extent.

**(R.BASANT, JUDGE)**

jsr

The contention of the petitioner is that in so far as the prosecution for of the offence under 'The Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 is concerned, the vehicle has already been released to the petitioner by the District Collector after payment of the amount ordered under Annexure 1. There is a further crime registered under Section 353 read with 34 I.P.C. that is Annexure 2. The petitioner feels that the vehicle is

detained in police custody in connection with that crime, that is crime No.567/07. The petitioner wants the vehicle to be released to his custody in the said crime.

2. The learned Public Prosecutor shall take instructions. Call on 31/10/2007.

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007